

## **IMPORTANT NOTICE CONCERNING DENIAL OF CITIZENSHIP APPLICATIONS BY SEATTLE, YAKIMA OR SPOKANE IMMIGRATION**

Pursuant to a Settlement Agreement in *Lee v. Gonzales*, C04-449-RSL (W.D. Wash, U.S. D.C.), the Seattle District of the United States Citizenship and Immigration Services, or “USCIS” (formerly Immigration and Naturalization Service, or “INS”) has agreed to reopen and reconsider some of its denials of citizenship, where the denial was for a lack of “good moral character,” usually because of a minor criminal record.

This reconsideration is at no additional fee, and will allow class members to submit additional evidence of good moral character, and have a decision made that is in compliance with the relevant legal standards.

**Who is Eligible?** With some exceptions, denied applicants are eligible to have their N - 400 applications reconsidered, without any additional filing fees, if

- The application for citizenship was decided by the Seattle, Spokane or Yakima office of USCIS or INS, **and**
- The application was denied for lack of good moral character, (usually for a minor criminal record) **and**
- The denial was dated after May 4, 1998, **but not** if the application was filed after January 12, 2005.

**Who is Not Eligible?** Applicants who have already been naturalized, or who are statutorily barred from citizenship (most commonly due to a serious criminal conviction) under 8 U.S.C. § 1101(f) are ineligible. For example, you are statutorily and *permanently* barred from citizenship if you have been convicted, of an “aggravated felony” under 8 U.S.C. § 1101(a)(43), after November 29, 1990. You are barred *temporarily* from naturalization if, in the three/five year period before your N-400 application was filed, you committed a crime involving “moral turpitude.” This is not a complete list of the statutory and permanent bars. It is complicated to determine which crimes or convictions are statutory or permanent bars to citizenship. It is recommended that you consult with class counsel, or other competent immigration attorney to determine whether you should ask for reconsideration of your application.

**When Do I Apply?** You must file your request within 12 months of the date that you get an individual notice from USCIS about this program, or within 12 months of March 6, 2006, whichever is later. If you miss this deadline, you may still be able to reapply for citizenship and pay the fees that are required, but you would not be within the class settlement procedures.

**How do I File?** Send a completed, new N400 application (without filing or biometric fees) to the Seattle District Office, at the following:

United States Citizenship and Immigration Services  
Attn: **Lee v. Gonzales**, C04-449RSL  
12500 Tukwila International Blvd.  
Seattle, WA 98168

It would be helpful, but not required, to provide a copy of the prior denial, or to inform USCIS when you applied, when you were denied and the reason for the denial. It is recommended that you keep a copy of what you file, as well as proof of mailing, for example, priority mail with confirmation of delivery. The current N-400 form is available at [www.immigration.gov](http://www.immigration.gov) or from class counsel.

**How Will USCIS Decide My Case?** First, USCIS will decide if you are a class member that is covered by the settlement, as described above. If you are within the class, then USCIS will evaluate whether you meet all the eligibility requirements for citizenship, pursuant to 8 U.S.C. § 1427(a)-(f), such as lawful permanent residence in the United States, and physical presence in the United States. If you have previously passed the history and English tests, or received a waiver of those requirements, you will not be required to retake those tests or submit a new waiver application. USCIS will notify you when to come in to submit updated fingerprints and photos. USCIS will conduct new background checks before making a final decision.

In determining whether you possess good moral character for purposes of naturalization in accordance with 8 C.F.R. § 316.10 and 8 U.S.C. § 1101(f), the USCIS will make a case by case determination based on the evidence that you provide or which the USCIS obtains. The USCIS will consider evidence of both negative and positive factors, to the extent

that such evidence relates to your moral character.

Evidence of negative factors may include, but is not limited to: prior criminal record; the number of convictions; the seriousness of the criminal conduct; and whether the applicant has committed other violations of the law which are morally turpitudinous.

Evidence demonstrating positive moral character may include, but is not limited to: evidence of rehabilitation; evidence of family ties and relationships in the United States, including evidence of efforts to support a spouse and children; evidence of volunteer work or other work in the community; evidence of stable and responsible employment; character reference letters; employer letters; educational certificates; evidence of community or religious activities; payment of taxes; and military service. You may submit evidence of your good moral character so that USCIS may consider that together with any negative factors.

In making the decision concerning good moral character, USCIS shall not require perfect moral character. Instead, USCIS will make a determination, based on a consideration of all the evidence in the record, whether or not you have good moral character.

If USCIS determines that you do not have good moral character, then USCIS will issue a written decision that comports with 8 C.F.R. § 336.1(b), and lists the pertinent facts upon which the determination was based, the specific legal sections applicable to a finding of ineligibility, and any other conclusions of law reached by the examining officer in rendering the decision. You may appeal a denial of your application, as provided in the law.

If USCIS determines that you meet the requirements for naturalization, you will be scheduled for an oath ceremony and issued a certificate of naturalization at that time.

**What If USCIS Decides I Am Not a Class Member?** If USCIS determines that you are not a class member entitled to relief under this settlement, they will send you a written notice explaining why they made that decision. You may contact class counsel if you have questions, or if you think the decision was mistaken.

Notice A

**How Do I Contact Class Counsel?** Class counsel is the law firm of Gibbs Houston Pauw, 1000 Second Ave., Suite 1600, Seattle, WA 98104; 206-682-1080. Email: [info@ghp-law.net](mailto:info@ghp-law.net). Internet: [www.ghp-law.net](http://www.ghp-law.net). Class counsel can provide you with information about how the reopening procedures will work. Do not contact the court.